

Remarks

The Office finds the term “average” in Claims 1, 19 and 20 to be a relative term that renders the claim indefinite. Applicant respectfully disagrees. Claim 1 uses the term “average compressive strength”, which has a specific definition on page 6, lines 17-23 of the specification. Claims 19 and 20 use the term “average cell diameter” which has a specific definition on page 7, lines 27-35. Therefore, Applicant asserts that “average” has a definite meaning in these claims when read in context.

Claims 1, 4-9, 11-12 stand rejected under 35 USC 102(b) as being anticipated by Reeves et al. (US5915572). All claims of the present invention, as currently amended, require that the panel have an edge containing a panel domain extending through the thickness of the panel at that edge. In contrast, Applicant understands Reeves et al. to disclose a structure of laminated sheets, with no one sheet extending through the thickness of the resulting structure. Applicant fails to find any teaching or suggestion in Reeves et al. that would motivate a skilled artisan to consider a panel structure that includes a panel domain extending through the thickness of the panel at an edge. Therefore, Applicant believes Claims 1, 4-9, and 11-12 are both novel and non-obvious over Reeves et al.

Claim 2, which depends from Claim 1, stands rejected under 35 USC 103(a) as being obvious over Reeves et al. For the same reason already stated, Applicant believes Claim 2 is non-obvious over Reeves et al.

Claims 3 and 10 stand rejected under 35 USC 103(a) as being obvious over Reeves et al. in view of Ducharme (US 5,062,244). Ducharme discloses an insulating insert for concrete building blocks. Applicant finds the structures of Ducharme dramatically different from that of the present invention, as well as those of Reeves et al., and fails to see how the inserts of Ducharme are related to the presently claimed invention beyond the fact that they are both insulating materials. The inserts of Ducharme can be construed to comprise only a single “panel domain”, in contrast to at least two panel domains as required by the presently claimed invention. A panel domain “is a section of a building panel that extends a building panel’s length, width, thickness, or combination thereof.” (see, page 5, lines 23-25 of the present Application). It is not clear how to modify a panel of Reeves et al. with the insert of

Ducharme, let alone how to modify such a panel to obtain the presently claimed panel, while remaining true to the teachings of each reference. Furthermore, Applicant fails to find motivation for a skilled artisan to consider combining the art of Ducharme in combination with Reeves et al.

With guidance and motivation lacking as to how to modify the panel of Reeves et al. with the insert of Ducharme, Applicant believes the only way to attempt construction of the presently claimed invention from these two references is with the use of hindsight from the present Application. Therefore, Applicant fails to find support in Reeves et al. in combination with Ducharme for a *prima facie* case of obviousness against Claims 3 and 10 of the present Application

Claims 12-20 are rejected under 35 USC 103(a) as being obvious over Reeves et al. in view of Malone (US 4,824,720). Applicant is unable to find any motivation to combine teaching in Malone with Reeves et al. without hindsight from the present Application. Even so, Applicant is unable to see how combining Malone with Reeves will lead to a structure having a panel domain that extends through the thickness of the structure. Therefore, Applicant fails to see how a combination of Reeves et al. and Malone can support a *prima facie* case of obviousness against Claims 12-20 of the present Application.

New Claims 21 and 22 depend from Claim 1 and, thereby, require a panel domain to extend through the thickness of the panel. Therefore, for the reason discussed herein, Applicant believes Claims 21 and 22 are patentable over the cited references as well.

In view of the above remarks, Applicant respectfully requests that the Office withdraw the current rejections and issue of a Notice of Allowance for Claims 1-12 and 15-22 of the present Application.

Respectfully submitted,



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